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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,337	02/13/2001	Natarajan S. Ramesh	CSAC-0009	9820
28236	7590	10/19/2004	EXAMINER	
CRYOVAC, INC. SEALED AIR CORP P.O. BOX 464 DUNCAN, SC 29334			CHANG, VICTOR S	
			ART UNIT	PAPER NUMBER
			1771	

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/782,337

Applicant(s)

RAMESH ET AL.

Examiner

Victor S Chang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9,10,13-16,18,19,22-27 and 29-31 is/are pending in the application.
- 4a) Of the above claim(s) 24-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,9,10,13-16,18,19,22,23 and 29-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Introduction

1. The Examiner has carefully considered Applicants' Declaration, amendments and remarks filed on 8/3/2004. Applicants' Declaration and amendment to claim 24 have been entered.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Rejections not maintained are withdrawn.

Rejections Based on Prior Art

4. Claims 1-7, 9, 10, 15-16 and 18, 19, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akao (US 4469741) in view of Foster (US 5968630), generally as set forth in section 6 of Office action dated 4/1/2004, and also the reasoning stated in the Advisory dated 8/26/2004, together with the following additional response to arguments.

First, the Examiner repeats the relied upon prior art Akao and Foster as follows:

Akao is directed to laminated sheets for use as construction materials (column 1, lines 6-9), particularly floor materials having good cushioning characteristics (column 6, lines 48-49). The sheets comprise two thermoplastic resin film layers bonded via an adhesive layer to a central foam layer (Example 1 and Fig. 2), and films made of polyolefin resins, such as polyethylene, polypropylene, etc., are preferred (column 2,

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lines 51-54). The preferable film thickness is 15-100 microns (column 2, lines 65-67). Materials which can be used for the preparation of the foam layer include olefin-based resins, such as polyethylene (column 3, line 34 to column 4, line 1). The preferable foam layer thickness is about 5 to 50 mm (column 4, lines 13-14). Akao also teaches that materials, which can be used in the preparation of the adhesive layer, include thermoplastic resins such as low density polyethylene, polypropylene, etc. (column 3, lines 1-7). As to the limitation "at least one edge of the second film extends beyond a corresponding edge of the foam sheet", which is not taught by Akron, it is noted Foster's invention is directed to a laminate film/foam flooring composite comprising a polyethylene film layer on a polyethylene foam layer, and the laminate is usually in long strips, so when it is installed one edge of one strip overlies the extended portion of the polyethylene film of an adjacent strip (Abstract and Figs. 1 and 3).

With respect to the Declaration by Mr. Ramesh, which includes experimental results showing that in a specific temperature range a suitable heat laminated composite is obtained, the Examiner notes that the Declaration is persuasive that the heat lamination process is unexpected by the prior art Akao, which expressly teaches away the heat lamination process, because of the shrinkage problem. However, the Examiner notes again that the method limitation has not been shown on the record to produce a patentably distinct article, as such the formed articles are rendered *prima facie* obvious. Applicants may wish to point out the distinct and/or inherent difference in the laminated composite between the instant invention and the relied upon prior art Akao in view of Foster.

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With respect to Applicants' argument "The statements of Akao support a conclusion that the present invention is not obvious ..." (Remarks, page 7, second paragraph), Examiner repeats (see section 3 of Advisory action dated 8/26/2004) that while Akao teaches a different lamination process, Akao does teach that the adhesive layers used to bond the film layers may be a low-density polyethylene adhesives, as set forth above, and also shown in Example 1. As such, even though it is noted that the transition term in claim 1 is "consisting essentially of", it is the Examiner's position that claim 1 still fails to preclude the prior art Akao in view of Foster, because after lamination each of the outer polyolefin film and the low density polyethylene adhesive is believed to form an integral polyolefin film, i.e., the adhesive laminated composite of Akao in view of Foster still reads on the instant invention product as claimed.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor S Chang whose telephone number is 571-272-1474. The examiner can normally be reached on 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel H Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VSC

Victor S Chang
Examiner
Art Unit 1771

10/13/2004



Ms. Arti R. Singh
Primary Examiner
Tech Center 1700